IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 6TH SEPTEMBER 2007 / 15TH BHADRA 1929

WA.No. 1587 of 2005(D)

AGAINST THE JUDGEMENT IN WPC.36889/2004 Dated 20/12/2004
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APPELLANT: PETITIONER:

S. SOBHA,
CHERUKONAM HOUSE, NEDUNGANDA P.O., KADAKKAVUR,
PIN-695307, THIRUVANANTHAPURAM.

BY ADV. SRI.R.ANILKUMAR
SRI.P.BANI

RESPONDENTS:
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1. STATE OF KERALA,
REPRESENTED BY SECRETARY, HEALTH &
FAMILY WELFARE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

2. DIRECTOR OF HEALTH SERVICES,
THIRUVANANTHAPURAM.

3. MEDICAL OFFICER,
IN-CHARGE, P.H. CENTRE, VAIKOM, KOTTAYAM DISTRICT.

BY GOVERNMENT PLEADER BENNY GERVASIS

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD
ON 06/09/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.S.RADHAKRISHNAN & A.K.BASHEER, JJ

W.A. 1587/2005

Dated this the 6th day of September, 2007

JUDGMENT

Radhakrishnan, J

Petitioner had worked as Pharmacist in the Public Health Centre, Vaikom. She had applied for leave without allowance for a period of five years commencing from 24.5.1989 and she was granted leave by Ext.P1 Government Order. She had applied for leave to go abroad to join the spouse. Thereafter, petitioner had applied for extension and she had continued leave without allowance for a period of 15 years. Later she filed yet another application after the expiry of the leave in May 2004. It was rejected by Ext.P4 order placing reliance on Ext.P6 Government Order.

2. Petitioner has approached this Court seeking a writ of certiorari to quash Ext.P6 Government Order contending that the petitioner will not come within the purview of the order. This Court sitting in this jurisdiction cannot make such a declaration. Government has rejected the extension application strictly on the basis of the said Government Orders. We are of the view that the learned

Single Judge has rightly dismissed the application, since the petitioner is not legally entitled for the extension of the period of leave without allowance.

3. Learned Government Pleader also brought to our knowledge that Clause 6 of appendix 12 (c) of KSR-Part-II by which if employee does not join duty after 15 years of leave without allowance her service will be terminated. We find no merit in this appeal and hence the same is dismissed.

K.S.RADHAKRISHNAN
Judge

A.K.BASHEER
Judge

mrcs